

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18214 of 2023

Petitioner :- Naveen Singh And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rama Kant Yadav, Satyendra Vishwakarma

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Surya Pratap Yadav holding brief of Shri Satyendra Vishwakarma, learned counsel for the petitioners and Shri Virendra Kumar Pal, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 16.10.2023 registered as Case Crime No. 69 of 2023 under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Chakar Nagar, District Etawah. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioner is that present criminal prosecution is absolutely baseless and false in nature; the deceased died because of fever and infection and the petitioners have been falsely implicated in the present case. It is further submitted that impugned FIR has been lodged after a delay of about 7 days and no satisfactory explanation was given.

4. Learned AGA opposed the prayer for quashing of the FIR and submits that marriage had taken place very recently on 05.11.2022 and it is a case of unnatural death in the matrimonial house therefore clearly a cognizable offence is made out against the petitioners.

5. We find substance in the argument of learned AGA. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335*** and ***M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918*** and in ***Special Leave to Appeal***

(Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 14.12.2023

Nitendra